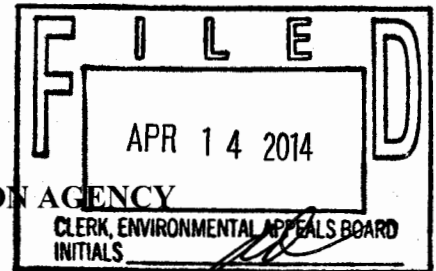


ENVIRONMENTAL APPEALS BOARD
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C.



In re:)
)
)

Windfall Oil & Gas, Inc.)

UIC Appeal Nos. 14-04 through 14-62

UIC Permit No. PAS2D020BCLE)
)
)

**ORDER GRANTING EXTENSION OF TIME TO FILE RESPONSE AND REQUIRING
SUPPLEMENTAL MOTION TO REQUEST SPECIFIC WORD OR PAGE LIMIT**

On March 24, 2014, the Environmental Appeals Board (“Board”) consolidated for review fifty-nine petitions requesting that the Board review an Underground Injection Control (“UIC”) permit, Number PAS2D020BCLE (“Permit”), that the U.S. Environmental Protection Agency Region 3 (“Region”) issued to Windfall Oil & Gas, Inc. (“Windfall”). *See* Order Consolidating Petitions for Review (Mar. 24, 2014) (Docket No. 61). The Board’s order established that the Region should file a single, consolidated response to the petitions for review no later than April 18, 2014. *Id.* at 4-5.

On April 9, 2014, the Region filed a motion requesting that the Board establish a new deadline, May 16, 2014, for the Region to file its consolidated response as well as the certified index to the administrative record and relevant portions of the administrative record. *See* Region III’s Motion for Extension of Time to File a Response at 2 (Apr. 9, 2014) (Docket No. 64) (“Motion”). In addition, the Region requested leave to exceed the word or page limitation set forth in 40 C.F.R. § 124.19(d)(3), which states that petitions and responses may not exceed 14,000 words, or in the alternative, thirty pages, without express permission from the Board.

In support of its motion, the Region avers that although about forty of the petitions are nearly identical, there are at least ten different petitions that raise multiple distinct, complex technical issues. Motion at 2. The Region continues that it cannot respond to all of the detailed arguments petitioners raise within the word or alternate page limit set forth in 40 C.F.R. § 124.19(d)(3), and that the length and detail of the multiple petitions makes it difficult for the Region to respond by April 18. *Id.* Finally, the Region avers that it did not receive timely notice of several of the petitions before the Board because they were not served upon the Region or Windfall.¹ *Id.*

Upon consideration, the Board hereby **GRANTS** the Region's request for an extension of time to file its consolidated response and associated documents. In addition, the Region has demonstrated a compelling need to exceed the word or page limitation in its consolidated response given that the Region must respond to numerous detailed arguments raised in the unusually large number of petitions requesting review of the Permit. Nonetheless, the Board orders the Region to supplement its request to exceed the word or page limit with a specific proposal for a word or page limitation. Given that the Region is currently working to prepare its response, the Region may gain a better sense of how many words or pages will suffice to respond to the petitions for review over the next few weeks. As such, the Region is required to file a supplement to its request to exceed the word or page limitation no later than **Friday, May 2, 2014**, that specifies how many words or pages the Region will require to meaningfully respond to

¹ A copy of the procedural rule that governs this proceeding before the Board, 40 C.F.R. § 124.19, may be accessed through the Board's website at www.epa.gov/eab (click on "Regulations Governing Appeals," then click on the first link below the heading "Permit Appeals"). As the Region notes in its motion, requirements for service and proof of service are set forth at 40 C.F.R. § 124.19(i)(3)-(4). *See* Motion at 2 n.1.

the petitions for review. The Board will issue an interim order ruling on the Region's supplement to its request to exceed the word or page limitation. The Region's consolidated response and associated filings must be received by the Board no later than **Friday, May 16, 2014.**

So ordered.

ENVIRONMENTAL APPEALS BOARD

Date: *April 14, 2014*

By: *Catherine R. McCabe*
Catherine R. McCabe
Environmental Appeals Judge

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing Order Granting Extension of Time to File Response and Requiring Supplemental Motion to Request Specific Word or Page Limit in the matter of Windfall Oil & Gas, Inc., UIC Appeal Nos. 14-04 through 14-62, were sent to the following persons in the manner indicated:

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Dated: APR 14 2014

By: 
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Secretary